

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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RAMON APONTE,

Movant,

O R D E R

- against -

UNITED STATES OF AMERICA,

16 Civ. 3511 (NRB)
02 Cr. 1082-4(NRB)

Respondent.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS on July 27, 2020 this Court ordered that each party file a letter identifying either controlling authority that the party believes is now dispositive of the precise legal issue(s) raised by Mr. Aponte's pending petition or pending cases that may be resolved in a manner that would yield such authority, see ECF No. 12¹; and

WHEREAS the parties subsequently filed letters reflecting that the parties are in agreement that the sole outstanding issue is whether attempted Hobbs Act robbery is a "crime of violence" and may serve as a predicate for 18 U.S.C. § 924(c), see ECF Nos. 14, 15; and

WHEREAS the parties further agree that whether attempted Hobbs Act robbery is a "crime of violence" under 18 U.S.C. § 924(c) is raised in a number of cases currently pending in the

¹ As used herein, "ECF No." refers to an entry on the civil docket (16 Civ. 3511).

Second Circuit, see ECF Nos. 14, 15; and

WHEREAS the defendant has requested that this Court defer ruling on Mr. Aponte's petition until after the Second Circuit has resolved that issue, see ECF No. 15; and

WHEREAS the Government does not object to that request, see ECF No. 14; it is hereby

ORDERED that the request for this Court to defer ruling on Mr. Aponte's petition is GRANTED; and it is further

ORDERED that the parties are directed to file, within one week of any Second Circuit ruling on the sole dispositive issue, a letter setting forth the outcome of that ruling and its impact on Mr. Aponte's pending petition.

SO ORDERED.

Dated: New York, New York
August 26, 2020


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

A copy of the foregoing has been mailed to:

Ramon Aponte, 52538-054
USP Coleman I
U.S. PENITENTIARY
P.O. BOX 1033
COLEMAN, FL 33521